

73999/95804

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appl. of: Jonathan W. Nyce : Group Art Unit: 1643  
Serial No.: 08/093,972 : Appl. Ref. No. EPI-072  
Filed: June 9, 1998 : Examiner: Janet Epps  
For: AGENT, COMPOSITION, KIT & METHOD FOR TREATMENT OF DISORDERS  
ASSOCIATED WITH BRONCHOCONSTRICTION, INCLUDING ASTHMA

**POWER OF ATTORNEY**

Assistant Commissioner for Patents  
Washington, DC 20231

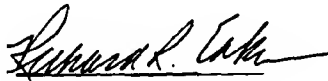
Sir/Madam:

I hereby appoint Viviana Amzel, Reg. No. 30,930, and Kenneth D. Sibley, Reg. No. 31,665, as attorneys to prosecute the above-identified application and transact all business in the US Patent and Trademark Office connected therewith.

All telephone calls should be addressed to Viviana Amzel at 213-430-3520, and all facsimiles sent to 213-617-9255. All further correspondence should be sent to:

Viviana Amzel, Ph.D.  
ARTER & HADDEN LLP  
725 South Figueroa Street - Suite 3400  
Los Angeles, CA 90017

3/24/00  
Date

  
Richard R. Eakin  
Chancellor  
East Carolina University

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan W. Nyce : Art Unit: 1635  
Serial No.: 09/093,972 : Examiner: Janet Epps  
Filed: June 9, 1998 : Appl. Ref. No.: EPI-072  
For: **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION &  
TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH  
BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION**

CLAIM FOR PRIORITY UNDER 35 USC '120

Assistant Secretary for Patents  
Washington DC 20231

Sir/Madam:

The applicant hereby claims priority for the above-identified U.S. Patent Application of the filing dates of the following U.S. Patent Applications under 35 USC 120:

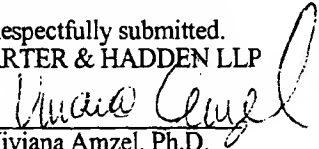
- 1- U.S.S.N. 08/472,527, filed June 7, 1995, CPA filed February 27, 1998, now U.S. Patent No. 6,040,296.
- 2- U.S.S.N. 08/757,024, filed November 26, 1996, by Jonathan W. Nyce, now U.S. Patent No. 6,025,339, which is a continuation-in-part of U.S.S.N. 08/472,527, filed June 7, 1995.
- 3- U.S.S.N. 08/474,497, filed June 7, 1995, by Jonathan W. Nyce and W. James Metzger, now U.S. Patent No. 5, 994,315.
- 4- USSN 09/016,464, filed January 30, 1998, which is a divisional of USSN 08/474,497, by Jonathan W. Nyce and W. James Metzger, filed June 3, 1998, now pending.

The text of the above-identified application is being amended to contain this information.

5/4/00  
Date

Citicorp Plaza  
725 S. Figueroa St.-Suite 3400  
Los Angeles, CA 90017  
213-430-3520 Direct Ph.  
213-617-9255 Fax

Respectfully submitted.  
ARTER & HADDEN LLP

  
Viviana Amzel, Ph.D.  
Reg. No. 30,930  
Attorney for Applicant

5/4/00

Date of Deposit

I hereby certify that this paper or fee is being deposited with the United States Postal Service "First Class Mail" on the date indicated above and is addressed to the Commission of Patents and Trademarks, Washington D.C. 20231.

  
Jenny Wilson

**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

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**Submission Type**

- ☒ New For: USSN 09/093,972
- ☐ Resubmission (Non-Recordation)  
Document ID#
- ☐ Correction of PTO Error  
Reel #  Frame #
- ☐ Corrective Document  
Reel #  Frame #

**Conveyance Type**

- ☒ Assignment ☐ Security Agreement
- ☐ License ☐ Change of Name
- ☐ Merger ☐ Other

**U.S. Government**  
(For Use ONLY by U.S. Government Agencies)

☐ Departmental File ☐ Secret File

**Conveying Party(ies)**

☐ Mark if additional names of conveying parties attached

Name (line 1) Jonathan W. Nyce

Execution Date  
Month Day Year  
03 30 1999

Name (line 2)

**Second Party**

Name (line 1)

Execution Date  
Month Day Year

Name (line 2)

**Receiving Party**

☐ Mark if additional names of receiving parties attached

Name (line 1) East Carolina University

Name (line 2)

Address (line 1) 210b Spilman Building

Address (line 2)

Address (line 3) Greenville

North Carolina

27858-4353

City

State/Country

Zip Code

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name Viviana Amzel, Ph.D.

Address (line 1) ARTER & HADDEN, L.L.P.

Address (line 2) 725 South Figueroa Street, #3400, Los Angeles, CA 90017

Address (line 3)

Address (line 4)

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Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

**Correspondent Name and Address**

Area Code and Telephone Number (213) 430-3520

Name Viviana Amzel, Ph.D. (Reg. No. 30,930)

Address (line 1) Arter & Hadden LLP

Address (line 2) Citicorp Plaza

Address (line 3) 725 South Figueroa Street, Suite 3400

Address (line 4) Los Angeles, CA 90017-5434

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments.

# 4 pages total

**Application Number(s) or Patent Number(s)**

☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

**Patent Application Number(s)**

09/093,972

**Patent Number(s)**

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

**Patent Cooperation Treaty (PCT)**

Enter PCT application number  
only if a U.S. Application Number  
has not been assigned.

PCT PCT PCT  
PCT PCT PCT

**Number of Properties**

Enter the total number of properties involved.

# 1

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41): \$ 40.00

Method of Payment:  
Deposit Account

Enclosed ☒ Deposit Account ☐

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

# 01-2520

Authorization to charge additional fees:

Yes ☐ No ☒

**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Viviana Amzel, Ph.D.

Name of Person Signing

Signature

Date

May 4, 2000

**ASSIGNMENT**

WHEREAS, Jonathan W. Nyce, a citizen of the United States of America, residing at 59 Sayre Drive, Princeton, New Jersey, Assignor, has invented new and useful **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION & TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION**, for which an application for United States Letters Patent was executed by him and filed on or about June 9, 1998; and

WHEREAS, Assignor believes himself to be the original, first and sole inventor of the invention disclosed and claimed in the application for Letters Patent; and

WHEREAS, East Carolina University, a non-profit organization chartered under the laws of the State of North Carolina, having a principal place of operation at 4W-54 Brody Bldg., Greenville, North Carolina, 27858, Assignee, desires to acquire by formal, recordable assignment the entire right, title and interest in and to the invention, the application, and any Letters Patent that might be granted for the invention in the United States and throughout the world;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee, the entire right, title and interest in and to the invention, the application, and any Letters Patent that might be granted for the invention in the United States and throughout the world, including the right to file foreign applications directly in the name of Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, he and his legal representatives and assigns will perform all lawful acts, including the execution of papers and the giving of testimony, that might be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for the invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to the invention, the application, and any Letters Patent granted for the invention in the United States and throughout the world.

Assignor represents and warrants that he has not granted and will not grant to others any rights inconsistent with the rights granted by this Assignment.

Assignor authorizes and requests the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for the invention, whether on the application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in the invention.

Assignor further authorizes and requests insertion below of the serial number and filing date of the application, when officially known:

Serial No. \_\_\_\_\_ Filing Date \_\_\_\_\_

IN WITNESS WHEREOF, Assignor has executed this Assignment.

Date: 3/3/00

  
JONATHAN W. NYCE

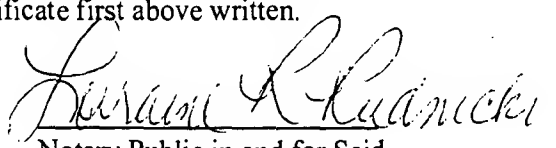
State of New Jersey )

County of Middlebury )

) ss.

On this 30<sup>th</sup> day of March, in the year of 2000, before me personally appeared Jonathan W Nyce, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year of this certificate first above written.

  
Notary Public in and for Said  
County and State

LORRAINE R. RUDNICKI  
Notary Public of New Jersey  
My Commission Expires March 9, 2003

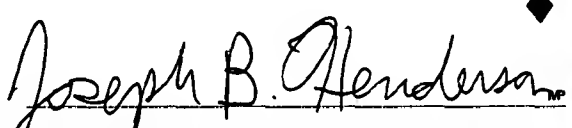
**EPI-072**

Amendment 5/4/00

USSN 09/093,972

Applicant: Jonathan Nyce, EpiGenesis

Appl. Atty: Viviana Amzel, Ph.D. (213) 430-352

<b>ARTER &amp; HADDEN LLP</b> DOCKET ACCOUNT 725 S. FIGUEROA ST., NO. 3400 213-430-3000 LOS ANGELES, CA 90017		<b>UNION BANK OF CALIFORNIA</b> LOS ANGELES MAIN #113 445 S. FIGUEROA ST., LOS ANGELES, CA 90071 800 238 4486	19301  16-49/113 1220
		DATE <u>04/05/00</u>	
PAY <u>Forty and xx/00</u>		DOLLARS \$ <u>40.00</u>	
TO THE ORDER OF  Commissioner for Patents & Trademarks			
			
⑈019301⑈ ⑆122000496⑆ 0320044863⑈			

ARTER & HADDEN LLP

DETACH AND RETAIN THIS STATEMENT  
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE FORM WVC-4 V-2

DATE	DESCRIPTION	AMOUNT
04/05/00	Assignment Recordation Fee EPI-072 73999/95804	\$40.00